## **Staff Summary Report**

Tempe

Council Meeting Date:

12/12/02

Agenda Item Number: 46

q-j

SUBJECT: This is a public hearing for Tempe Crossings II, Pad 2D and 2E, for an Amended General

and Final Plan of Development for a portion of Phase 4, located at 9885 South Priest

Drive.

DOCUMENT NAME:

20021212dsrh06

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: No

COMMENTS: PLANNED DEVELOPMENT (0406) Hold a public hearing for TEMPE CROSSINGS

II PAD 2D, 2E (Lawrence & Geyser Development, property owner) #SGF-2002.80 for an Amended General Plan of Development for Tempe Crossings II, Phase 4 consisting of 36,503 s.f. on 5.06 net acres and a Final Plan of Development for Lot 5 (Pad 2D) and Lot

6 (Pad 2E) consisting of 11,333 s.f. (two buildings) on 1.1 net acres and eight (8)

variances, located at 9885 South Priest Drive. (Please see list of variances on page 3.)

PREPARED BY: Hector Tapia, Senior Planner (480-350-8331)

REVIEWED BY: Steve Venker, Planning & Zoning Manager (480-350-8331)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Approval

ADDITIONAL INFO:

This request is part of Phase 4, the last phase of Tempe Crossings II. Due to minor

architectural changes, this proposal targets a portion of the 5.06 net acres, Lots 5 and 6, to

adjust previously approved variances.

### ATTACHMENTS:

- 1. List of Attachments
- 2-4. History & Facts/ Description
- 4-5. Comments
- 6-7 Conditions of Approval
- A. Location Map
- B. Letter of Explanation/Intent
- C. Letter of Authorization
- D. Amended General Plan of Development
- E. Final Plan of Development, Lot 5 (Pad 2D); Lot 6 (Pad 2E)
- F. Elevations
- G. Floor Plan / Building Sections
- H. Landscape Plan

### **HISTORY & FACTS:**

November 21, 1986.

City Council approved a zoning change for 168 acres at the NEC of 56th St. and Ray Rd. (including the subject site) from AG to PCC-2 along with a Subdivision Plat and General Plan of Development for the Tempe Regional Mall consisting of 4,370,000 s.f., including variances to increase the building height to 160' and lot coverage to 37.9%.

November 19, 1992.

The Planning Commission denied a request for Continental Homes for a zoning change from PCC-2 to Rl-6 with a Preliminary Subdivision Plat consisting of 454 lots and 6 tracts and a Preliminary PAD with 1 variance for this 149.9 net acre site by a 5-1 vote on a motion to deny with Commissioner Rich dissenting. Staff had recommended denial on the grounds that either a commercial/residential mix or general industrial would be better from a fiscal point of view for the City than single-family alone. There was extensive discussion of the various issues at the hearing between the applicant, Commission and staff, with no public input.

December 17, 1992.

City Council approved Continental's revised request, subject to 16 conditions. The revision consisted of reducing the number of lots to 406 and the acreage to 139.9 in order to accommodate 10 acres of existing commercial at the corner. (Condition #16 stated that a new General Plan of Development for the 10 acre commercial parcel at the arterial corner shall be recorded at the same time as the Final Subdivision Plat/PAD for the Continental subdivision).

February 19, 1993.

City Council approved the request of Bank of America for an Amended General Plan of Development for a shopping center consisting of 93,500 s.f. on 10 net acres.

November 6, 1996.

Design Review Board approved the building elevations, site and landscaping plans for Phase 1 (McDonald's) and the overall concept plans for the future phases, all subject to conditions.

April 24, 1997.

City Council approved the request for Tempe Crossings Shopping Center for an Amended General Plan of Development consisting of 53,000 s.f. total building area on 10.39 net acres with a Final Plan of Development for a 15,837 s.f. Danny's Family Carousel Carwash and C-store on Pad 2 located at 9969 S. Priest Drive.

February 14, 1998.

Council approved a request by Rosemont Assisted Living Facility for an Amended Final Subdivision Plat, an Amended General Plan of Development and a Final Plan of Development at 9955 S. Priest Drive. (never built).

May 13, 1999.

Council approved a request by Thomasville for a Third Amended General Plan of Development and a Final Plan of Development for Phase 3 Lot 4 consisting of a 24,470 s.f. furniture store, at Tempe Crossings located at 9959 South Priest Drive.

February 7, 2002.

The City Council approved a 4<sup>th</sup> Amended General Plan of Development of Tempe Crossings and a Final Plan of Development for Phase 4, including ten variances.

February 28, 2002.

The City Council approved an Amended Final Subdivision Plat for Tempe Crossings II, a replat of Lots 1 and 2. This re-plat subdivided Lot 2 into 5 new lots.

August 20, 2002.

The Hearing Officer approved adjustments to previously approved building setback variances for Lot 3 (Pad 2B) and Lot 4 (Pad 2C) of Tempe Crossings II.

November 12, 2002.

Planning Commission approved the 5<sup>th</sup> Amended General Plan of Development for Tempe Crossings II, Phase 4 for lots 5 and 6, consisting of 11,333 s.f. on 1.1 net acres, including eight variances.

**DESCRIPTION:** Owner - Lawrence & Geyser, Spike Lawrence

Applicant - Kelly Braswell
Architect - Lamb Architects

Zoning - PCC-2

Total site area - 10.39 net acres

### Total bldg. area - 82,612 s.f. Plus 1,320 s.f. for a patio area (existing + Proposal)

### Phase 1/ Lot 5 (existing)

McDonald's - 4,482 s.f.

### Phase 2 / Lot 3 (existing)

Danny's Car Wash - 12,371 s.f. Convenience Store- 3,466 s.f.

### Phase 3/ Lot 4 (existing)

Thomasville Furniture Store - 24,470 s.f.

### Phase 4 / Lots #1, 2, 3, 4 (approved)

Lot#1

Restaurant - 6,590 s.f.

Lot 2A

Retail - 1,200 s.f.

Restaurant - 7,240 s.f.

Outdoor Patio - 1,320 s.f.

Lots 3 and 4

Office - 10,140 s.f.

Total = 26,490 s.f.

### Phase 4 / Lot 5 and 6 (this proposal)

Lot 5

Office -5,070 s.f.

Lots 6

Office -6,263 s.f.

Total = 11,333 s.f.

### Phase 4:

Landscaping Required - 20%

Landscaping Provided – 25%

Maximum Allowed Lot Coverage – 25%

Provided Lot Coverage - 7.8%

### Parking required -

Phase 1/ Lot 5 - (restaurant 6,590 s.f. @ 1/75) = 88 spaces

Phase 2 / Lot 3 - (car wash/lube 12,371 s.f. @ 1/300) = 41 spaces

(c-store 3,466 s.f. @ 1/250) = 14 spaces

Phase 3 / Lot 4 - (furniture store 24,270 s.f. @1/500 for  $1^{st}$  10,000 s.f. & 14,470 @ 1/5000) = 23 spaces

Phase 4 / Lots 1 through 6

(restaurant 13,830 s.f @ 1/75) = 184 spaces (outdoor dining 1,320 s.f. @ 1/150) = 9 spaces (retail 1,200 s.f @ 1/250) = 5 spaces

(office 21,473 s.f. @ 1/250) = 89 spaces

Total parking required = 453 spaces

### Parking provided – 459 spaces

Phase 1/Lot 5 = 60 spaces Phase 2 / Lot 3 = 52 spacesPhase 3 / Lot 4 = 48 spacesPhase 4 /Lot 1, 2, 3, 4, 5, and 6 = 299 spaces

Bicycle parking required - 43 spaces (Phases 1, 2, 3 and 4) Bicycle parking provided - 44 spaces (Phases 1, 2, 3 and 4)

### Requested Variances:

- 1. Reduce the minimum required side yard building setback from 60 feet to 40 feet along the east property line for Lot 5.
- 2. Reduce the minimum required side yard building setback from 60 feet to 10 feet along the west property line for Lot 5.
- 3. Reduce the minimum required front yard building setback from 60 feet to 11 feet along the north property line for Lot 5.
- 4. Reduce the minimum required rear yard building setback from 60 feet to 31 feet along the south property line for Lot 5.
- 5. Reduce the minimum required side yard building setback from 60 feet to 10 feet along the east property line for Lot 6.
- 6. Reduce the minimum required side yard building setback from 60 feet to 48 feet along the west property line for Lot 6.
- 7. Reduce the minimum required front yard building setback from 60 feet to 41 feet along the north property line of Lot 6.
- 8. Reduce the minimum required rear yard building setback from 60 feet to 25 feet along the south property line for Lot 6.

**COMMENTS:** This request is for a 5<sup>th</sup> Amended General Plan of Development of Tempe Crossings II, totaling 82,612 s.f. and a Final Plan of Development for two new buildings in two lots, Lot 5 and 6. Phase 4 is the last phase of Tempe Crossings and targets the 5.06 net acres of vacant land just north of the existing McDonalds restaurant and south and west of the southwest boundaries of the Sierra Tempe single family home subdivision.

> Tempe Crossings II Subdivision includes five (5) lots. Lot 1 contains a 6,590 s.f restaurant; Lot 2, 7,240 s.f. restaurant with 1,320 s.f. for outdoor dining and 1,200 s.f for retail; Lots 3, 4, 5, and 6 for 21,473 s.f. of office space in four buildings.

> The Final Plan of Development, under this application, includes Lots 5 (Pad 2D) and Lot 6 (Pad 2E). Due to architectural design changes on buildings located on Lots 5 and 6, previously approved building setback variances must be adjusted.

### Zoning

The current zoning on this property is PCC-2. This zoning classification requires 60 feet minimum building setbacks from property lines. Since Lot 2 within the Tempe Crossings II Subdivision was divided into 5 new lots, the proposed interior property lines created building setback variances.

### Variances

These variances are typical within shopping centers when a bigger lot or parcel is subdivided into smaller lots to accommodate multiple ownership or land leases. These types of variances are classified as technical and should not be detrimental to adjacent property owners or surrounding businesses.

### Neighborhood

Sierra Tempe, a single family subdivision, bounds this proposal to the north and east.

### Site Circulation

The Tempe Crossings Commercial Center has three existing driveway entrances. Two along Ray Road and one just north of the McDonalds restaurant along Priest Drive. The approved Phase 4 included one new driveway entrance along Priest Drive, at the north west corner of the proposed site. The two driveways along Priest Drive provide ingress/egress north bound and south bound. The overall site has u-shape circulation mode with most of the parking concentrated at the middle of the site. The restaurant buildings are closer to the street, Priest Drive and the office buildings at the east area of the site. According to the applicant, their intention is to separate the restaurant and the office uses.

No changes on the approved driveways or site circulation are proposed under this request, Lot 5 (Pad 2D) and Lot 6 (Pad 2E).

### **Parking**

The overall parking required for the Tempe Crossings Commercial Center is 453 spaces and the total provided is 459 spaces. The total parking required for phase four is 284 spaces and the total of spaces provided is 299. Each proposed lot, in phase four, accommodates the parking required for each building. Lots 5 and 6, subject lots of this request, provide 49 parking spaces, four more than required.

### **Public Comments**

One neighbor expressed concerns about the requested variances but after finding out that the variances were primarily for interior property lines and that they were minor adjustments to previously approved variances, he appeared satisfied with the proposal. Other phone calls were received requesting more information about the variances but no letters were received, in favor or in opposition.

Staff recommends approval subject to conditions.

**RECOMMENDATION:** Planning Staff - Approval

Planning Commission – Approval on the consent agenda (11/12/2002).

### REASON(S) FOR APPROVAL:

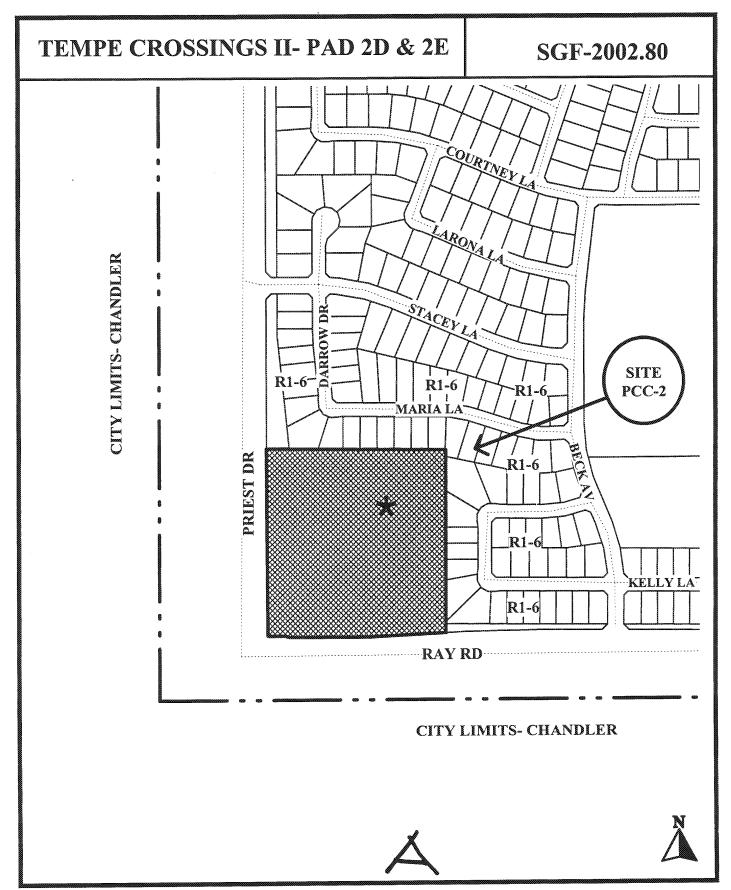
- 1. The General Plan of Development appears to be consistent to previous approvals and the Final Plan of Development should blend well with the other approved buildings.
- 2. The requested variances should not be detrimental to adjacent property owners or the vicinity in general.

# CONDITION(S) OF APPROVAL:

- 1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
  - b. Off-site improvements to bring roadways to current standards include:
    - (1) Water lines and fire hydrants
    - (2) Sewer lines
    - (3) Storm drains.
    - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
  - c. Fees to be paid with the development of this project include:
    - (1) Water and sewer development fees.
    - (2) Water and/or sewer participation charges.
    - (3) Inspection and testing fees.
  - d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
- 2. a. All street dedications shall be made within six (6) months of Council approval.
  - b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
  - c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe Section 25.120.
- 3. The applicant/owners of Tempe Crossings Commercial Center shall provide a revised continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Manager and City Attorney.
- 4. No variances may be created by future property lines without the prior approval of the City of Tempe.
- 5. A valid building permit shall be obtained and substantial construction commenced, on or before December 19, 2003 or the variances shall be deemed null and void.
- 6. This plan shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.
- 7. The General and Final Plan of Development shall be **recorded on**, **or before**, **December 19, 2003** with the Maricopa County Recorder's Office through the City of Tempe Development Services Department. Planning Division staff shall be review details of the document format prior to recordation.

- 8. The developer shall provide the City with satisfactory evidence of cross access onto Lots 1, 2, 3, 4, 5, and 6 of Tempe Crossings II Subdivision Plat, prior to the issuance of a building permit.
- 9. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
- 10. The applicant shall resolve all lighting and security details with Planning and Crime Prevention staff prior to the issuance of a building permit.







To:

Planning Department

City of Tempe

Date:

October 8, 2002, 2002

Re:

Tempe Crossings II (SGF-2001.81)

Fifth Amended General Plan of Development

Final Plan of Development for Lot 6

To Whom It May Concern:

The final plan of development for Lot 6 of Tempe Crossings II is a 6,200 s.f. office building replicating the previously approved office buildings for the Tempe Crossings II.

The owner has a desire to incorporate two attached double garages at the rear of the office building for dedicated covered parking as well as provide a covered roof deck area at the front of the office building. We were able to incorporate the covered roof deck and the attached garages within the same architectural elevations and theme as the two previous office buildings occupying Lots 3 and 4.

However, during the permit plan review for the office buildings located on Lots 2 and 3 of the Tempe Crossings II project, a concern was raised by the City of Tempe Building Safety Department regarding the location of the proposed office buildings being located within 10'-0" of any adjacent property line. The original plan called for the office buildings to be located within 7'-9" of the property line. Locating the buildings so close to the property line requires not only fire rated exterior walls but protected openings in those walls. With the current design of the office building, it is not possible to provide protected openings along the entire face of the exterior wall thus placing the building in violation of the Uniform Building Code.

If the buildings were to be moved away from the property lines to a distance of at least 10'-0", protected openings would no longer be required, and the building would be in compliance with the Uniform Building Code. This request is reflected in the modification to the previously approved variance number 5 and also affects variance number 3.

We also ask that the required setback be reduced from the previously approved 51 feet to 41 feet (variance number 4) to incorporate the attached garages at the rear of the building. The previously approved rear yard setback of 25 feet will be maintained.

426 N. 44th Street

Suite 225

Phoenix, AZ 85008

v. 602.275.5262

f. 602.275.3677





To positively affect the proposed buildings located on Lot 2E, it is our request to change the previously approved variances as follows:

Variance 1: None Variance 2: None

Variance 3: Reduce the minimum required side yard setback from the approved 51

feet to 47'-6" along the West property line of Lot 2E

Variance 4: Reduce the minimum required front yard building setback from

previously approved 51 feet to 41 feet the North property line for Lot

2E.

Variance 5: Increase the minimum required side yard building setback from the

approved 7 feet to 10 feet along the East property line for Lot 2E.

Variance 6: Increase the minimum required side yard building setback from the

approved 7 feet to 10 feet along the West property line for Lot 2D.

Variance 7: Increase the minimum required front yard building setback from the

approved 8 feet to 11 feet along the North property line for Lot 2D.

Variance 8: Reduce the minimum required side yard building setback from the

approved 43 feet to 40'-9" along the East property line for Lot 2D.

Variance 9: Reduce the minimum required rear yard building setback from the

approved 34 feet to 31 feet along the South property line for Lot 2D

Variance 10: None

### Previously Approved Variances (SGF 2001.81)

Variance 1: Reduce the minimum required side-yard building setback from 60 feet

to 30 feet along the South property line for Lot 1.

Variance 2: Reduce the minimum required side yard building setback from 60 feet

to 43 feet along the South property line for Lot 2A

Variance 3: Reduce the minimum required side yard building setback from 60 feet

to 30 feet along the West property line for Lot 2B and from 60 feet to

51 feet along the West property line for Lot 2E.

Variance 4: Reduce the minimum required front yard building setback from 60 feet

to 50 feet along the South property line for Lot 2B and along the North

property line for Lot 2E.

Variance 5: Reduce the minimum required side yard building setback from 60 feet

to 7 feet along the East property line for Lot 2B and 2E.

Variance 6: Reduce the minimum required front yard building setback from 60 feet

to 8 feet along the West property line for Lot 2C and 2D.

Variance 7: Reduce the minimum required front yard building setback from 60 feet

to 8 feet along the South property line for Lot 2C and the North

property line of Lot 2D.

Variance 8: Reduce the minimum required side yard building setback from 60 feet

to 43 feet along the East property line for Lot 2C and Lot 2D.

426 N. 44th Street

Suite 225

Phoenix, AZ 85008

v. 602.275.5262

f. 602.275.3677

B



Variance 9: Reduce the minimum required rear yard building setback from 60 feet

to 34 feet along the South property line of Lot 2D and from 60 feet to

25 feet along the South property line for Lot 2E.

Variance 10: Reduce the minimum required rear yard setback from 60 feet to 41 feet

along the North property line for Lot 2C.

Previously Approved Variances (BA 020187)

Variance A: Reduce the minimum required side-yard building setback from the

approved 30 feet to 26'-9" along the West property line of Lot 2A.

Variance B: Reduce the minimum required side-yard building setback from the

approved 7 feet to 10 feet along the East property line of Lot 2B.

Variance C: Reduce the minimum required side-yard building setback from the

approved 7 feet to 10 feet along the West property line of Lot 2C.

Variance D: Reduce the minimum required side-yard building setback from the

approved 8 feet to 10 feet along the South property line of Lot 2C.

Variance E: Reduce the minimum required side-yard building setback from the

approved 43 feet to 40'-9" along the East property line of Lot 2C.

Variance F: Reduce the minimum required side-yard building setback from the

approved 41 feet to 38 feet along the North property line of Lot 2C.

Thank you for your time and consideration of the project. Please feel free to contact me directly should you have any questions.

Sincerely,

Kelly Braswell Project Manager

Kell L Burel

426 N. 44th Street



September 9, 2002

City of Tempe
Development Services Department
F.O. Bex 5002
3 1 E. 5th Street
Tempe, AZ 85282-5002

Re:

Tempe Crossings II

Application for General and Final Plan of Development

### To Whom It May Concern:

This letter shall serve as permission for Kelly Braswell of Lamb Architects to sign the above references applications on behalf of Lawrence & Geyser Development Corporation and L&G Ray, LLC for the Tempe Crossings II project.

Please feel free to call with any questions.

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Thank You,

Charles "Spike" Lawrence

2-incipal

Lawrence & Geyser Development Corporation

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FIFTH AMENDED GENERAL. PLAN OF DEVELOPMENT OF PHASE FOUR

FINAL PLAN OF DEVELOPMENT FOR LOT 5 AND 6

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STATEMENT OF OWNERS

APPROVED VARIANCES

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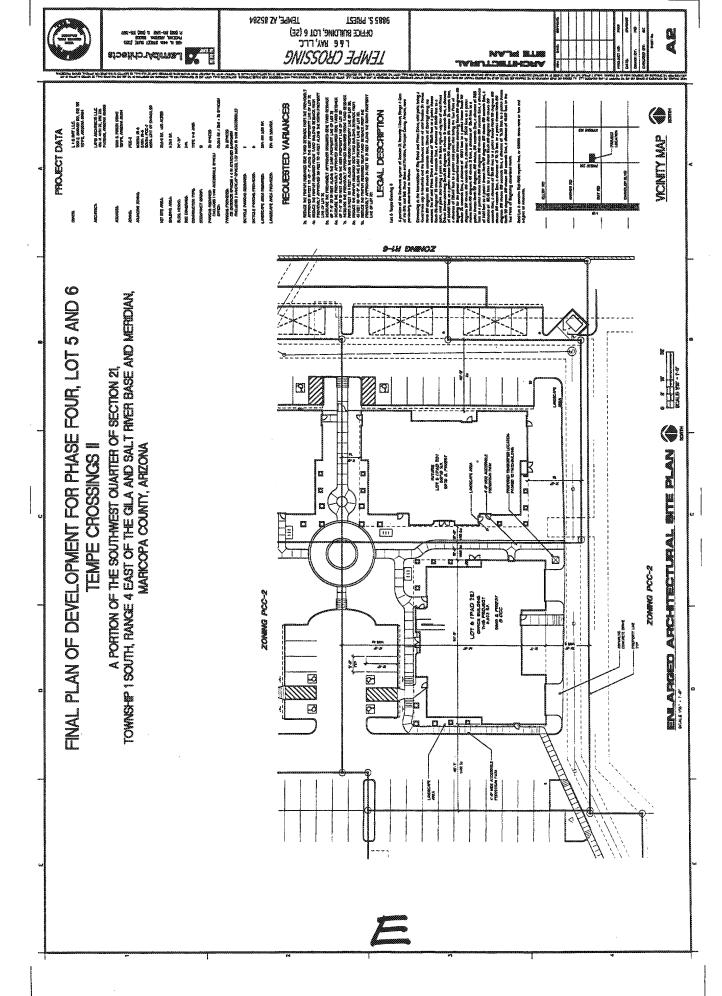
רפּפּ נאג'ררכ באשאב CBOISSOU II

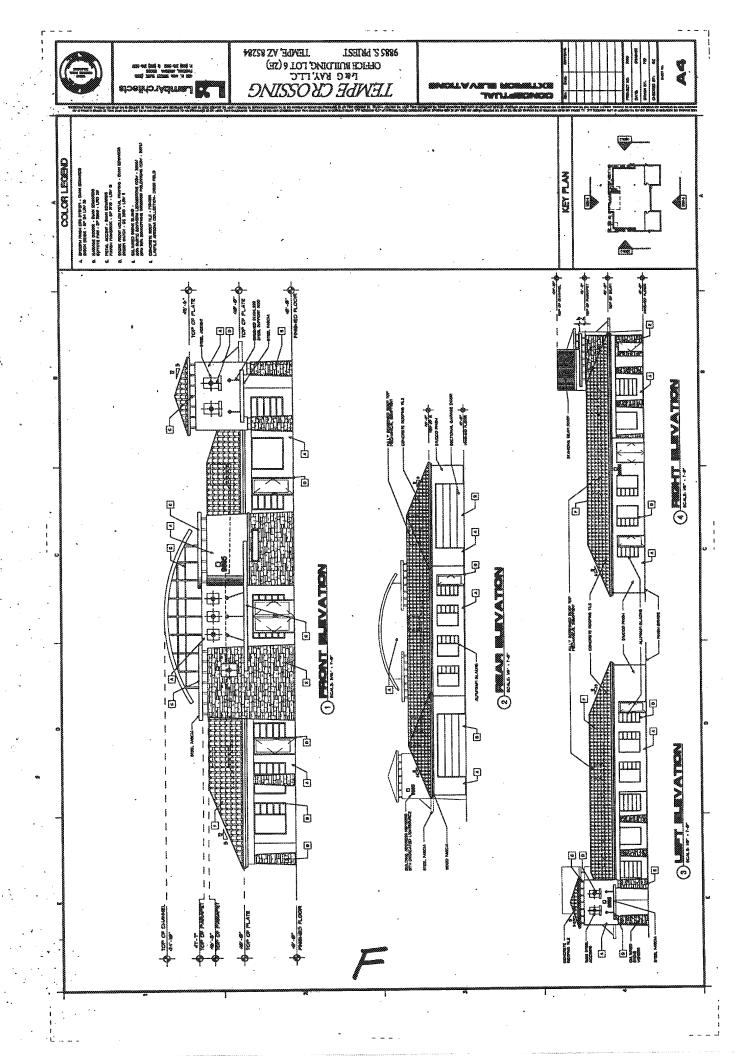
TVINING CHICAGO

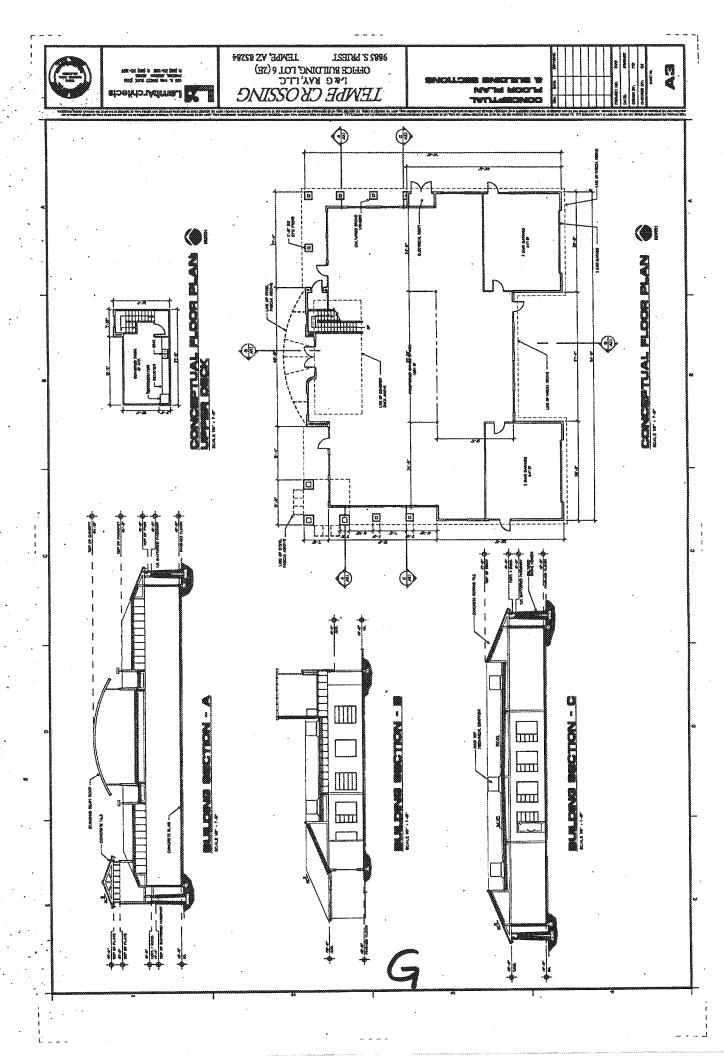
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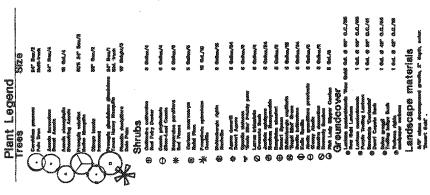
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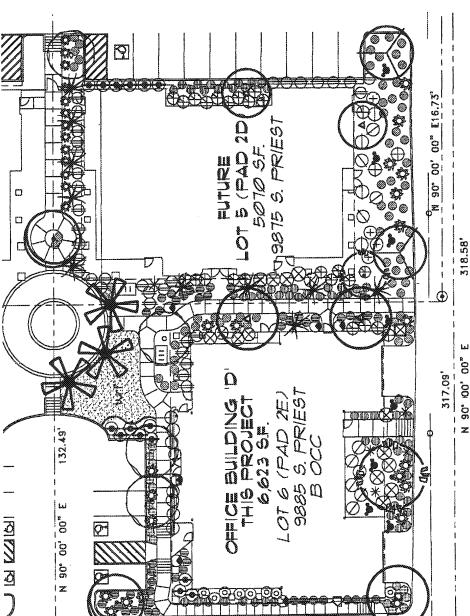






4472.009-084 met 4772.009-084 met





landscape plan

N 90' 100' 00"